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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

Berman, Preston,

Plaintiff,

v.

PSYCHIATRIC SECURITY REVIEW  
BOARD; ALISON BORT, in her official  
capacity as Executive Director of the Oregon  
Psychiatric Security Review Board,

Defendants.

Case No. 6-24-cv-01127-MK

DECLARATION OF JILL SCHNEIDER IN  
SUPPORT OF DEFENDANTS' MOTION TO  
DISMISS

I, Jill Schneider, hereby declare:

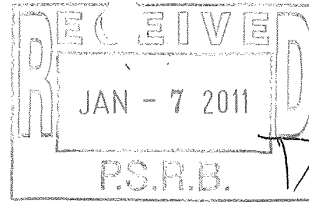
1. I am a Senior Assistant Attorney in the Trial Division of the State of Oregon Department of Justice, and am counsel of record for defendants Psychiatric Security Review Board and Allison Bort in this matter.

2. Attached to this declaration as **Exhibit 1** is a true and correct copy of the Judgment upon Finding of Guilty Except for Insanity.
3. Attached to this declaration as **Exhibit 2** is a true copy of the Commit Order, dated March 3, 2011.
4. Attached to this declaration at **Exhibit 3** is a true copy of the Commit Order, dated March 6, 2013.
5. Attached to this declaration as **Exhibit 4** is a true copy of the Commit Order, dated August 13, 2014.
6. Attached to this declaration as **Exhibit 5** is a true copy of the Commit Order, dated December 4, 2018.
7. Attached to this declaration at **Exhibit 6** is a true copy of the Summary of Conditional Release Plan, dated May 12, 2020.
8. Attached to this declaration as **Exhibit 7** is a true copy of the Order authorizing Modification, dated July 1, 2021.
9. Attached to this declaration as **Exhibit 8** is a true copy of the Commit Order, dated January 6, 2022.
10. Attached to this declaration as **Exhibit 9** is a true copy of the Commit Order, dated January 9, 2024.

**I declare under penalty of perjury that the foregoing is true and correct.**

EXECUTED on August 20th, 2024.

s/ Jill Schneider  
JILL SCHNEIDER  
Senior Assistant Attorney General



IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

THE STATE OF OREGON,

Plaintiff,

Case Number: 10FE0206SF

v

JUDGMENT UPON FINDING OF  
GUILTY EXCEPT FOR INSANITY

BERMAN, PRESTON-JACOB,

Defendant.

RECEIVED

DEC 09 2010

DESCHUTES COUNTY  
DISTRICT ATTORNEY

This matter came before the above entitled Court on 12/8/2010, before the Honorable THOMAS A.

BALMER, Court Judge; defendant appearing in court in person and with his/her attorney, REID KAJIKAWA, and the State of Oregon appearing by BRANDI SHROYER, (Deputy) District Attorney for Deschutes County; and

IT APPEARING TO THE COURT that prior hereto, the defendant entered a plea of not guilty to the charge(s) of COUNT 2: ARSON-1, COUNT 3: BURGLARY-2, COUNTS 4 THROUGH 21: RECKLESS BURNING ; and

IT FURTHER APPEARING TO THE COURT that the defendant has given notice of intent to rely on evidence of mental disease or defect as an affirmative defense; and

IT FURTHER APPEARING TO THE COURT that based upon the written stipulated facts agreed to by the parties, the reports of Dr. Mandi Davies and Dr. Robert Stanulis, the stipulation of counsel, and the records and files herein; and the court being fully advised in the premises, finds the above named defendant able to understand the nature of the charge(s) against him/her and to assist and cooperate with counsel and participate in his/her defense; and

IT FURTHER APPEARING TO THE COURT that on 12/8/2010, the matter came to trial before the court, the defendant having waived his/her right to trial by jury in writing; and the court having heard the evidence of the State and the defendant by stipulation, and being fully advised in the premises

THE COURT HEREBY FINDS:

That the defendant, BERMAN, PRESTON JACOB, committed the act(s) alleged in count(s) 2 THROUGH

PSRB # 10-2505  
Exhibit # 1  
Page 1 of 2

1 21 of the indictment constituting the crime(s) of COUNT 2: ARSON-1, COUNT 3: BURGLARY-2, COUNTS 4  
2 THROUGH 21: RECKLESS BURNING;

3 That, based on the reports of Dr. Mandi Davies and Dr. Robert Stanulis , that the defendant is affected  
4 by a mental disease or defect,

5 That as a result of mental disease or defect at the time of engaging in criminal conduct, the defendant  
6 lacked substantial capacity to conform his conduct to the requirements of law;

7 ~~That the defendant would have been guilty of a felony, or a misdemeanor during a criminal episode in~~  
8 the course of which the defendant caused injury or risk of physical injury to another;

9 That because of the defendant's mental disease or defect, he/she presents a substantial danger to  
10 others, requiring commitment to a state mental hospital designated by the Addictions and Mental Health  
11 Division of the Department of Human Services, and is not a proper subject for conditional release at this time.

12 IT IS HEREBY ORDERED AND ADJUDGED that the defendant, BERMAN, PRESTON JACOB, is guilty  
13 except for insanity of the crime(s) of COUNT 2: ARSON-1, COUNT 3: BURGLARY-2, COUNTS 4 THROUGH 21:  
14 RECKLESS BURNING; and

15 IT IS FURTHER ORDERED AND ADJUDGED that the defendant be placed under the jurisdiction of the  
16 Psychiatric Security Review Board for care, custody and treatment for a maximum period of time not to exceed  
17 20 year(s).

18 IT IS FURTHER ORDERED AND ADJUDGED that the defendant be, and he hereby is, committed to the  
19 custody of the state mental hospital designated by the Office of Mental Health and Addiction Services of the  
20 State of Oregon and that the Deschutes County Sheriff shall transport said defendant to said hospital forthwith.

21

22

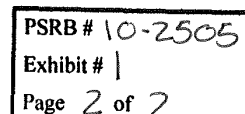
23 Executive Director  
24 Psychiatric Security Review Board  
620 SW Fifth Avenue, Suite 907  
Portland, Oregon 97204

25

26

  
Circuit Court Judge THOMAS A. BALMER

December 8, 2010



BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD  
OF THE STATE OF OREGON

In the Matter	)	PSRB No. 10-2505
	)	OSH No. 72843
of	)	Deschutes County No. 10FE0206SF
	)	
PRESTON JACOB BERMAN	)	COMMIT ORDER
	)	

This matter came before the Psychiatric Security Review Board on March 09, 2011, for a hearing pursuant to ORS 161.341(7)(a). Board members present were Jenna Morrison, P.P.O., Clifford Johannsen, Ph.D. and Kate Lieber, J.D., Chair. Preston Berman was present with his attorney, Harris Matarazzo; Assistant Attorney General Thomas Castle was present representing the State. The burden of proof as well as the burden of going forward was on the State.

At the outset of the hearing, the parties stipulated to the propriety of the Board's jurisdiction; that is, that Preston Berman was found guilty except for insanity of the crimes of Arson I, Burglary II and Reckless Burning (18 counts) and was placed under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 20 years by Deschutes County Circuit Court Judge Thomas A. Balmer on December 08, 2010; that Mr. Berman is affected by a mental disease or defect and that when his illness is active he presents a substantial danger to others. Mr. Matarazzo then informed the Board that it was his client's desire to remain in the hospital for further treatment at this time. The State did not oppose.

The Board, having received twelve exhibits without objection and after considering all of the evidence admitted on the record, accepts as FINDINGS OF FACT the stipulations of the parties as set forth above. In addition, the Board FINDS AS FACT that Preston Berman could not be adequately controlled and treated in the community at this time. This finding is based upon the information contained in Exhibits 12, 11 and 9, as well as the representation of counsel at the outset of the hearing.

The Board CONCLUDES AS A MATTER OF LAW that:

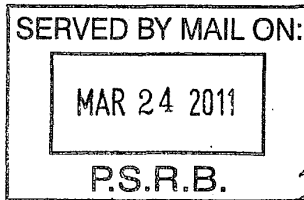
PSRB # 10-2505
Exhibit # 13
Page 1 of 2

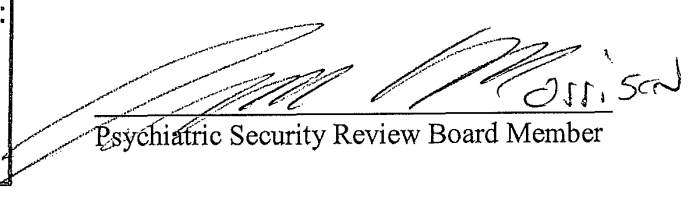
1. Preston Berman, being affected by a mental disease or defect which, when active, renders him a substantial danger to others, is under the jurisdiction of the Psychiatric Security Review Board.
2. Preston Berman is not a proper subject for conditional release because he could not be adequately controlled and treated in the community and therefore it would not be in the best interest of justice and the protection of society to release him at this time.

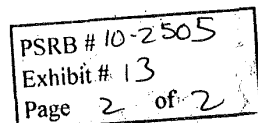
IT IS HEREBY ORDERED, pursuant to ORS 161.341(1) that Preston Berman be committed to a state hospital designated by the Department of Human Services for care, custody and treatment.

This order may be appealed pursuant to ORS 161.385(9).

DATED this 23<sup>rd</sup> day of March, 2011.



  
Psychiatric Security Review Board Member



BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD  
OF THE STATE OF OREGON

In the Matter	)	PSRB No. 10-2505
	)	OSH PatID No. 81435
of	)	Deschutes County No. 10FE0206SF
	)	
PRESTON JACOB BERMAN	)	COMMIT ORDER
aka PRESTON BENNINGTON	)	

This matter came before the Psychiatric Security Review Board on February 27, 2013, for a hearing pursuant to ORS 161.341(6)(b). Board members present were Judy Uherbelau, Bennett Garner, M.D. and Kate Lieber, J.D., Chair. Preston Berman was present with his attorney, Harris Matarazzo; Assistant Attorney General Lynn Larsen was present representing the State. The burden of proof as well as the burden of going forward was on the State.

In his opening statement, Assistant Attorney General Lynn noted the record supports jurisdiction. Mr. Matarazzo rested on the record on the issue of jurisdiction and indicated that his client was not seeking a release option.

The Board, having heard testimony and having received thirty-seven exhibits without objection, and after considering all the evidence admitted on the record, FINDS AS FACT that:

1. Preston Berman was found guilty except for insanity of the crimes of Arson I, Burglary II and Reckless Burning (18 counts) and was placed under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 20 years by Deschutes County Circuit Court Judge Thomas A. Balmer on December 08, 2010.
2. Preston Berman is affected by a mental disease or defect as demonstrated by the underlying facts shown by the evidence, including the expert testimony of Simrat Sethi, M.D., at the hearing, as well as the information contained in the progress notes and mental health evaluations found in Exhibits 37, 35, 31, 15, 12, 9, 8 and 5, all of which contain a qualifying Axis I diagnosis.
3. Preston Berman, without adequate supervision and treatment, would continue to present a substantial danger to others as demonstrated by the underlying facts shown by the evidence, including the expert testimony of Simrat Sethi, M.D., at the hearing, the circumstances surrounding the crimes of Arson I, Burglary II and Reckless Burning (18 counts) for which he was placed under the jurisdiction of

the Psychiatric Security Review Board, as noted in Exhibit 4 as well as the information contained in Exhibits 7, 9, 12, 14-16, 18, 22, 23, 25-29, 32, 34, 35 and 37.

4. The State sustained its burden of proving by a preponderance of the evidence that Mr. Berman continues to be affected by a mental disease or defect and continues to be a substantial danger to others and that he should not be discharged from the jurisdiction of the Board.
5. Preston Berman could not be adequately controlled and treated in the community if he were conditionally released at this time. This finding is based upon the expert testimony of Simrat Sethi, M.D., at the hearing as well as the information contained in the Progress Note Updates in Exhibits 35 and 37 and the representation of counsel at the outset of the hearing.

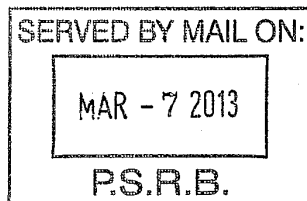
The Board CONCLUDES AS A MATTER OF LAW that:

1. Preston Berman, being affected by a mental disease or defect which, when active, renders him a substantial danger to others, is under the jurisdiction of the Psychiatric Security Review Board.
2. Preston Berman is not a proper subject for conditional release because he could not be adequately controlled and treated in the community and therefore it would not be in the best interest of justice and the protection of society to release him at this time.

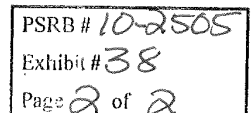
IT IS HEREBY ORDERED, pursuant to ORS 161.346(1)(c) that Preston Berman be continued in commitment at a state hospital designated by the Oregon Health Authority for care, custody and treatment.

This order may be appealed pursuant to ORS 161.348.

DATED this 6<sup>th</sup> day of March, 2013.



*Kate B. [Signature]*  
Psychiatric Security Review Board Member





BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD  
OF THE STATE OF OREGON

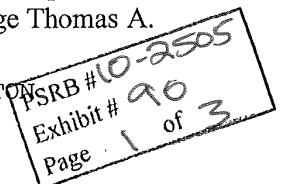
In the Matter	)	PSRB No. 10-2505
of	)	Deschutes County No. 10FE0206SF
PRESTON JACOB BERMAN	)	
aka PRESTON BENNINGTON	)	COMMIT ORDER

This matter came before the Psychiatric Security Review Board on July 30, 2014, for a hearing pursuant to ORS 161.341(3). Board members present were Elena Balduzzi, Psy.D., Judy Uherbelau and Kate Lieber, J.D., Acting Chair. Preston Berman was present with his attorney, Noel Grefenson; Assistant Attorney General Lynn Larsen was present representing the State. The burden of proof as well as the burden of going forward was on Mr. Berman.

At the outset of the hearing, the parties stipulated that Preston Berman suffers from a mental disease or defect. In his opening statement, Mr. Grefenson noted that his client had recently shown some improvement and noted that he did not believe the record supported a finding of substantial danger when Mr. Berman's disease was active. Based on those factors, Mr. Grefenson requested a discharge for his client from the Board's jurisdiction or, in the alternative, a finding by the Board that he was appropriate for conditional release. It should also be noted that Mr. Grefenson, on behalf of his client, previously waived his right to a timely hearing by requesting a continuance. Assistant Attorney General Larsen noted that the Board's jurisdiction was supported by the record and indicated that the State's position was that Mr. Berman should remain in the hospital.

The Board, having heard testimony and having received eighty-nine exhibits without objection, and after considering all the evidence admitted on the record, FINDS AS FACT that:

1. Preston Berman was found guilty except for insanity of the crimes of Arson I, Burglary II and Reckless Burning (18 counts) and was placed under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 20 years by Deschutes County Circuit Court Judge Thomas A.



Balmer on December 08, 2010.

2. Preston Berman is affected by a mental disease or defect as demonstrated by the stipulation of the parties at the outset of the hearing.
3. Preston Berman, without adequate supervision and treatment, would continue to present a substantial danger to others as demonstrated by the underlying facts shown by the evidence, including the expert testimony of Heather Knott, D.O., at the hearing, the circumstances surrounding the crimes of Arson I, Burglary II and Reckless Burning (18 counts) for which he was placed under the jurisdiction of the Psychiatric Security Review Board as shown in Exhibit 4 as well as his criminal history as found in Exhibit 3. In addition, this finding is supported by the information contained in the recent Progress Note Update of June 18, 2014 as found in Exhibit 89. This finding is further supported by the documentation of dangerous behavior as well as opinions regarding Mr. Berman's risk of dangerousness contained in Exhibits 61, 58, 46, 45, 42, 37, 36, 35, 34, 32, 29, 28, 27, 26, 25, 23, 22, 18, 16, 15, 14, 12, 9 and 7.
4. Preston Berman did not prove by a preponderance of the evidence his fitness for discharge as required by the standards contained in ORS 161.351.
5. Preston Berman could not be adequately controlled and treated in the community if he were conditionally released at this time. This finding is based upon the expert testimony of Heather Knott, D.O., at the hearing as well as the information contained in her Progress Note Update of June 18, 2014, as found in Exhibit 89.

The Board CONCLUDES AS A MATTER OF LAW that:

1. Preston Berman, being affected by a mental disease or defect which, when active, renders him a substantial danger to others, is under the jurisdiction of the Psychiatric Security Review Board.
2. Preston Berman is not a proper subject for conditional release because he could not be adequately controlled and treated in the community and therefore it would not be in the best interest of justice and the protection of society to release him at this time.

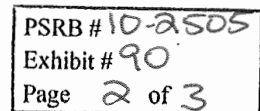
IT IS HEREBY ORDERED, pursuant to ORS 161.346(1)(c) and 161.351(2) that Preston

Berman be continued in commitment at a state hospital designated by the Oregon Health

Authority for care, custody and treatment.

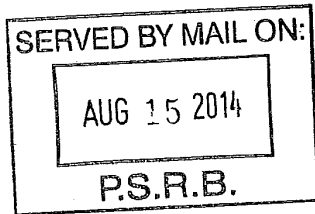
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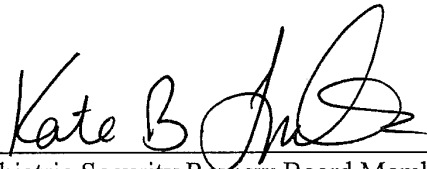
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1 This order may be appealed pursuant to ORS 161.348.

2 DATED this 13<sup>th</sup> day of Aug., 2014.



  
Psychiatric Security Review Board Member

PSRB #	10-2508
Exhibit #	90
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11/06/19

BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD  
OF THE STATE OF OREGON

In the Matter ) PSRB No. 10-2505  
of ) OSH PatID No. 81435  
Deschutes County No. 10FE0206SF  
PRESTON JACOB BERMAN ) COMMIT ORDER

This matter came before the Psychiatric Security Review Board on November 06, 2019, for a hearing pursuant to ORS 161.336(4)(c). Board members present were Pamela Buchanan, Psy.D., John Swetnam, and Anne Nichol, J.D., Acting Chair. Preston Berman was present with his attorney, Harris Matarazzo; Assistant Attorney General Dan Toulson was present representing the State. The burden of proof as well as the burden of going forward was on the State.

Prior to taking opening statements, Acting Chair Nichol reminded the parties that any protected information contained in the record or submitted to the Board is subject to the Protective Order which is contained in the Board's Exhibit 147.

At the outset of the hearing, the parties stipulated that Preston Berman suffers from a qualifying mental disorder. In his opening statement, Assistant Attorney General Toulson urged the Board to accept Mr. Berman's stipulation to qualifying mental disorder and argued that a finding of dangerousness is supported by the record, and therefore, Mr. Berman should not be discharged. Mr. Toulson went on to contend that the revocation of Mr. Berman on October 25, 2019 was proper and requested that the Board find that Mr. Berman is appropriately placed at the Oregon State Hospital at this time. Mr. Toulson objected to an evaluation or finding of conditional release for Mr. Berman, arguing that any release option is premature given that Mr. Berman has not yet stabilized. In his opening statement, Mr. Matarazzo requested a discharge on behalf of his client, arguing that although Mr. Berman does suffer from a qualifying mental disorder, he does not pose a risk of danger to others as a result. Mr. Matarazzo noted that the

behaviors leading up to Mr. Berman's revocation were not volitional and were solely the result of a medication change initiated at his doctor's request. Given how well Mr. Berman had done on conditional release up to that point and given that his providers in the community are willing to continue working with him, Mr. Matarazzo requested that the Board conditionally release his client or order an evaluation in order to expedite Mr. Berman's return to the community.

The Board, having heard testimony and having received two-hundred and forty-two exhibits without objection, excluding any designated victim impact statements, and after considering all the evidence admitted on the record, FINDS AS FACT that:

1. Preston Berman was found guilty except for insanity of the crimes of Arson I, Burglary II, and Reckless Burning (18 Counts) and was placed under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 20 years by Deschutes County Circuit Court Judge Thomas A. Balmer on December 08, 2010.
2. Preston Berman is affected by a qualifying mental disorder as demonstrated by the stipulation of the parties at the outset of the hearing.
3. Preston Berman, without adequate supervision and treatment, would continue to present a substantial danger to others as demonstrated by the underlying facts shown by the evidence, including the expert testimony of Joel Hendryx, M.D., Mr. Berman's treating psychiatrist, at the hearing, the circumstances surrounding his revocation outlined in Exhibits 222, 224, 235, 236, 237, 238, 239, 241 and 242, and the crimes of Arson I, Burglary II, and Reckless Burning (18 Counts), for which he was placed under the jurisdiction of the Psychiatric Security Review Board as noted in Exhibit 4 and the details of his criminal history contained in Exhibit 3. This finding is further supported by the documentation of dangerous behavior as well as opinions regarding Mr. Berman's risk of dangerousness to others as found in Exhibits 7, 9, 12, 14, 15, 16, 18, 22, 23, 25, 26, 27, 28, 29, 32, 34, 35, 36, 37, 42, 45, 46, 58, 61, 78, 83, 92, 95, 96, 99, 100, 103, 107, 113, 116, 118, 119, 141, 176, 194, 195, 227, 231, and 232.
4. The State sustained its burden of proving by a preponderance of the evidence that Mr. Berman continues to be affected by a qualifying mental disorder and continues to be a substantial danger to others and that he should not be discharged from the jurisdiction of the Board.
5. Preston Berman could not be adequately controlled and treated in the community if he were conditionally released at this time. This finding is based upon the expert testimony of Joel Hendryx, M.D., Mr. Berman's treating psychiatrist, at the

1 hearing as well as the information contained in his Progress Note Update of  
2 October 28, 2019 as found in Exhibit 241.

3 The Board CONCLUDES AS A MATTER OF LAW that:

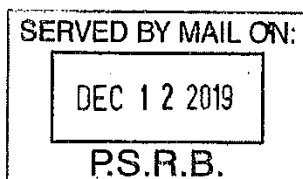
- 4 1. There were reasonable grounds, based upon Exhibit 223, P.S.R.B. Order of  
5 Revocation, Exhibit 224, Revised Affidavit in Support of Revocation, and Exhibit  
6 242, Cascadia Letter Regarding Revocation, to revoke Mr. Berman's conditional  
7 release on October 25, 2019.
- 8 2. Preston Berman, being affected by a qualifying mental disorder which, when  
9 active, renders him a substantial danger to others, is under the jurisdiction of the  
10 Psychiatric Security Review Board.
- 11 3. Preston Berman is not a proper subject for conditional release because he could  
12 not be adequately controlled and treated in the community and therefore it would  
13 not be in the best interest of justice and the protection of society to release him at  
14 this time.

15 IT IS HEREBY ORDERED, pursuant to ORS 161.346(1)(c) and 161.351(2) that Preston  
16 Berman be continued in commitment at a state hospital designated by the Oregon Health  
17 Authority for care, custody and treatment.

18 In making its findings, the Board notes that both the record and the testimony at the  
19 hearing indicate that Mr. Berman is in the process of re-stabilizing and that he will likely be  
20 ready to be evaluated for conditional release in the near-future. Accordingly, the Board urges Mr.  
21 Berman's treatment team at the hospital to bring him before its Risk Review Panel as soon as  
22 possible to request privileges in order to expedite the conditional release process.

23 This order may be appealed pursuant to ORS 161.348.

24 DATED this 4th day of December, 2019.



*[Signature]*  
Psychiatric Security Review Board Member



**BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD  
OF THE STATE OF OREGON**

In the Matter  
of  
Preston Berman

SUMMARY OF CONDITIONAL RELEASE PLAN

A conditional release plan of supervision and treatment is summarized below. All who will be providing services have agreed to this plan. Confirmations are available.

- 1. Conditional Release Supervisor** – the person who will coordinate and monitor all elements of the Conditional release plan and report to the Board monthly.

Name	TBD		
Agency	Cascadia Behavioral Healthcare		
Mailing Address	1818 SE Division Street Portland, OR 97202		
E-Mail Address		Fax	503-963-7124
Phone Numbers			
Backup Coverage	Charlie Blackmar	Phone	503-963-7613

- 2. Housing** – with whom and nature of the residence

Name of Facility	Buena Vista	Type of Facility	RTH
Address	326 SE 76 <sup>th</sup> ave		
Phone		Fax	
Staffing	<input checked="" type="checkbox"/> Staff present 24 hours per day. Awake 24 hours? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
	<input type="checkbox"/> Staff present when a resident is home		
	<input type="checkbox"/> Periodic Staffing		
	<input type="checkbox"/> Hours covered daytime		
	<input type="checkbox"/> Hours covered evenings		
	<input type="checkbox"/> Hours covered weekends		
	<input type="checkbox"/> Other:		
	<input type="checkbox"/> No staff		
	<input type="checkbox"/> Client shall be supervised by staff, with 20 feet and within line of sight, at all times the client is outside the secure perimeter of the facility		

<input checked="" type="checkbox"/> The client must be at home between the hours of: <b>10 p.m.</b> and: <b>6 a.m.</b>
<input checked="" type="checkbox"/> The case manager may authorize the following curfew exceptions: <b>Therapeutic activities</b>

3. The person will participate in structured activity at a minimum of **20** hours per week, comprised of the following:

	Who will provide service	Frequency
Case manager sessions	Case Manager	1x/week
Individual therapy	Case Manager	1x/week
Group sessions (not included below)	Cascadia Staff	As Directed as long as engaged in 10 hours of community based structured time per week. Otherwise 3x week.
Home supervision visits		
Scheduled	Cascadia Staff	As directed with daily residential staff contact
Unannounced	Cascadia Staff	As Directed with daily residential staff contact
Appt. w/med. prescriber	Soroush Mohandessi	1x/month
Observed medication compliance	Cascadia Staff	Daily staff oversight
Substance abuse treatment	Cascadia Staff	Incorporated into above groups
Self-help groups (NA/AA), verified	Cascadia Staff	1x/week
RANDOM, UNANNOUNCED A/D screens	Cascadia Staff	1x/week
Other (specify)		
Treatment at Hope Center	Cascadia Staff	As needed to fulfill 20 hours

#### 4. Source of Income

Amount and source	<del>SSDI</del> Social Security Survivors
Who is Payee?	Self
Is Money management required?	As Directed
Medical/Psychiatric insurance	OHP

#### 5. Standard Conditions – the client and his treatment providers will be subject to the following conditions

<input checked="" type="checkbox"/> Shall have no contact, in any form, with the victim(s) of the instant offense.
<input type="checkbox"/> Is not applicable in this case because:
<input type="checkbox"/> Shall not operate a motor vehicle.
<input checked="" type="checkbox"/> May operate a motor vehicle contingent upon having a valid license, registration, and insurance. If there is a change in mental status or a violation of conditional release, case manager may rescind driving



privilege. + See driving special condition.
Shall designate a payee for all of his/her funds if directed by his/her case manager.

**Standard Conditions continued:**

Shall participate in a money management program if directed by his/her case manager.
Shall comply with the specific conditions of his release contained in this order as well as the Board's Agreement to Conditional Release.
Shall not change his/her place of residence without securing prior approval from his/her case manager and the Board or its Executive Director.
Shall follow all treatment recommendations.
Shall abide by all rules, regulations and requirements established by staff.
Shall participate in a medication regimen as established by the treating physician.
Shall not drink or possess any beverages containing alcohol or use or possess any non-prescribed drugs, including marijuana. Further, beverages containing alcohol and non-prescribed drugs, including marijuana, shall not be permitted within his/her residence.
Shall consent to staff search of personal belongings.
If residing in a Home and Community-Based Services (HCBS) setting, client (1) understands the HCBS rights afforded in the HCBS setting, and (2) shall consent to and understand that some HCBS rights may be limited due to conditional release plan and as identified in person-centered service plan and personal care plan.
Shall not own, possess or have control over any firearm, illegal knives, or unauthorized weapons and no such item shall be allowed in their residence.
Client and his licensed medical provider shall not initiate any non-emergency major psychotropic medication change without prior notice to the PSRB for purposes of consultation regarding the appropriate level of residential care during the course of the proposed change.
Case manager shall ensure that all county staff, clinicians and residential staff who work with Client are familiar with his risk profile. Any observable symptoms in his risk profile shall be reported to the case manager and PSRB immediately.

**6. Special Conditions – the client will be subject to the following special conditions (attached a separate sheet, if necessary):**

- May substitute overeaters anonymous or bipolar support group for self-help groups.
- No more than 10 hours of structured time per week can come from internet based activities including financial work for his mother's business or online self-help groups.
- Executive Director may approve driving privileges once client has been on CR for 90 days. If approved client will adhere to driving plan
  - Only drive for therapeutic activities
  - No passengers for first 30 days. Than passengers only with CM approval
  - Will maintain mileage log and review with case manager as directed
  - Will turn over keys at direction of case manager


6. Special Conditions Addendum

Cascadia's Residential Program's Standard Conditions:

- A. Shall allow a valid photograph to be taken and stored in Cascadia Records for use in the event a picture is needed for identification purposes.
- B. The person shall not have visitors in the home between the approved curfew hours without prior authorization from the conditional release supervisor.
- C. Shall collaborate with his case manager to create a daily schedule, including how he will complete his 20 weekly hours of required structured time.
- D. Shall not engage in the purchasing, borrowing, lending, selling, or trading of items or money with Cascadia clients without prior written permission from case manager.
- E. Shall participate in Cascadia's Level System.
- F. Shall sign out when leaving the residence and sign in upon return.
- G. If the person requires funding (e.g., social security funding is in appeals process; does not qualify for social security), and receives alternative county funding for Room & Board or Personal Incidental Funds (PIF), person agrees to pay this amount back to the county if a back payment is received once social security is awarded.
- H. Shall permit staff to inspect residence.

## 7. Submitting Parties

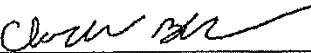
Signatures are required from the conditional release supervisor and the patient. By signing, the parties recommend that the person should be conditionally released pursuant to the above outlined plan.



PSRB Client

5-12-20

Date




Proposed Conditional Release Supervisor

5-11-20

Date

Outgoing Conditional Release Supervisor (If applicable)

 NM

OSH Treatment Team Member (If applicable)

Date

5-12-2020

Date

BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD  
OF THE STATE OF OREGON

In the Matter ) PSRB No. 10-2505  
of ) OSH PatID No. 81435  
PRESTON JACOB BERMAN ) Deschutes County No. 10FE0206SF  
) ORDER AUTHORIZING MODIFICATION  
)

This matter came before the Psychiatric Security Review Board on June 02, 2021, for an administrative hearing pursuant to ORS 161.336(2). Board members present were Trisha Elmer, P.P.O., Anne Nichol, J.D. and John Swetnam.

The Board, having reviewed two hundred and ninety-nine exhibits in this matter, excluding any designated victim impact statements, approved of the request for Mr. Berman to step down to his own apartment in Multnomah County and be supervised under Cascadia Behavior Healthcare's Intensive Case Management program. However, the Board will not issue the final formal modification of conditional release order until such time as it is notified in writing of the address of Mr. Berman's apartment and the date he moved into that apartment.

IT IS HEREBY ORDERED, that Preston Berman may pursue finding an apartment in Multnomah County in consultation with his case manager.

This order may be appealed pursuant to ORS 161.348.

DATED this 1st day of July, 2021.

  
Psychiatric Security Review Board Member

BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD  
OF THE STATE OF OREGON

In the Matter	)	PSRB No. 10-2505
	)	O:SH PatID No. 81435
of	)	D:eschutes County No. 10FE0206SF
	)	
PRESTON JACOB BERMAN	)	COMMIT ORDER
	)	

This matter came before the Psychiatric Security Review Board on November 17, 2021, for a hearing pursuant to ORS 161.336(4)(d). Board members present were Anne Nichol, J.D., and Trisha Elmer, P.P.O., Acting Chair. Preston Berman and his attorney, Harris Matarazzo, were both present by video from the hearings room at the Oregon State Hospital. Assistant Attorney General (AAG) Sam Kubernick was present by phone, representing the State. The burden of proof as well as the burden of going forward was on the State.

Prior to taking opening statements, Acting Chair Elmer reminded the parties that any protected information contained in the record or submitted to the Board is subject to the Protective Order which is contained in the Board's Exhibit 301. Additionally, Acting Chair Elmer noted for the record that pursuant to HB 4212 which addresses the current health and safety concerns brought about by the COVID-19 pandemic, all hearing participants are appearing remotely. No objections were heard.

At the outset of the hearing, Acting Chair Elmer advised the parties that the final Oregon Senate vote confirming new Board member, Julie Duke, was anticipated to take place on today's date. For that reason, Acting Chair Elmer explained that Ms. Duke would solely be observing today's hearing; that the evidence presented would be taken under advisement; and that deliberations would take place at a later date. Acting Chair Elmer further advised that, if for some reason Ms. Duke was not affirmed, the audio from this hearing would be sent to a third Board member to review. The parties, having already confirmed their agreement with this plan re-affirmed their agreement and did not object to proceeding in this manner.

**PSRB# 10-2505**  
**Exhibit#324**  
**Page 1 of 4**

Exhibit 8  
Page 1 of 4

At the outset of the hearing, the parties stipulated to the propriety of the Board's jurisdiction; that is, that Preston Berman was found guilty except for insanity of the crimes of Arson I, Burglary II, and Reckless Burning (18 counts) and was placed under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 20 years by Deschutes County Circuit Court Judge Thomas A. Balmer on December 08, 2010; that Mr. Berman is affected by a qualifying mental disorder and that when his illness is active he presents a substantial danger to others.

In his opening statement, Attorney Matarazzo stated that he would rest on the record as to the propriety of Mr. Berman's revocation and that he would not be seeking any release option for Mr. Berman at this time. In his closing statement, Attorney Matarazzo moved to request that the two-member panel comprised of Acting Chair Elmer and Anne Nichol proceed with deliberations in the absence of a third Board member based on the fact that his client was neither contesting jurisdiction nor seeking a release option. In his opening statement, AAG Kubernick urged the Board to accept the stipulations to the propriety of their jurisdiction and argued that the record supports Mr. Berman's revocation. AAG Kubernick supported Attorney Matarazzo's proposal for the Board to proceed with a two-member panel in rendering its decision today.

The Board, having considered Attorney Matarazzo's motion to waive the quorum requirement of a third Board member, without objection, having considered the absence of any contested issues of fact, and having considered the absence of any presented request for a release option, proceeded with rendering a decision with two panel members. The Board, having received three hundred twenty-three exhibits without objection, excluding any designated victim impact statements, and after considering all the evidence admitted on the record, accepts as FINDINGS OF FACT the stipulations of the parties as set forth above. In addition, the Board FINDS AS FACT that Preston Berman could not be adequately controlled and treated in the community at this time. This finding is also based upon the information contained in Board's

Exhibit 309, PSRB Affidavit for Revocation dated October 4, 2021, and Board's Exhibit 314, Oregon State Hospital Psychiatric Admission Assessment dated November 1, 2021, by Les Christianson, D.O. The finding is further supported by the information contained in the Revocation Follow Up Letter, dated November 10, 2021, authored by Naomi Roanhorse, LPC, of Cascadia Behavioral Healthcare, as found in Exhibit 323. In that letter, Ms. Roanhorse outlines the details of Mr. Berman's absconding and states that Cascadia Behavioral Healthcare feels that Mr. Berman requires a hospital level of care. Finally, this finding is supported by the representation of counsel at the beginning of this hearing. The Board FURTHER FINDS AS FACT that the revocation of Mr. Berman's conditional release was appropriate as evidenced by the information contained in the PSRB Affidavit in Support of Order of Revocation, dated October 4, 2021, as found in Exhibit 309. This finding is further supported by the information contained in Ms. Roanhorse's letter, as found in Exhibit 323, which describes the factors that contributed to the treatment team's recommendation that his conditional release be revoked.

The Board CONCLUDES AS A MATTER OF LAW that:

1. There were reasonable grounds to revoke Mr. Berman's conditional release on October 04, 2021.
2. Preston Berman, being affected by a qualifying mental disorder which, when active, renders him a substantial danger to others, is under the jurisdiction of the Psychiatric Security Review Board.
3. Preston Berman is not a proper subject for conditional release because he could not be adequately controlled and treated in the community and therefore it would not be in the best interest of justice and the protection of society to release him at this time.

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IT IS HEREBY ORDERED, pursuant to ORS 161.346(1)(c) that Preston Berman be continued in commitment at a state hospital designated by the Oregon Health Authority for care, custody and treatment.

This order may be appealed pursuant to ORS 161.348.

DATED this 16th day of January, 2022.

A large, stylized handwritten signature in black ink, likely belonging to a member of the Psychiatric Security Review Board.

Psychiatric Security Review Board Member

BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD  
OF THE STATE OF OREGON

In the Matter	) PSRB No. 10-2505
	) OSH PatID No. 81435
of	) Deschutes County No. 10FE0206SF
	)
PRESTON JACOB BERMAN aka SARAH	) COMMIT ORDER
ALEXA BERMAN	)

This matter came before the Psychiatric Security Review Board on October 18, 2023, for a hearing pursuant to ORS 161.341(6)(b). Board members present via video were Trisha Elmer, P.P.O., Anne Nichol, J.D., and Pamela Buchanan, Psy.D., Acting Chair. Preston Berman<sup>1</sup> was present via video from his unit at the Oregon State Hospital (OSH) in Salem, and their attorney, Harris Matarazzo was present via video from the OSH Salem Hearings Room; Assistant Attorney General (AAG) Elisabeth Waner was present via video representing the State. The burden of proof as well as the burden of going forward was on the State.

Prior to taking opening statements, Acting Chair Buchanan reminded the parties that any protected information contained in the record or submitted to the Board is subject to the Protective Order which is contained in the Board's Exhibit 301.

At the outset of the hearing, the parties stipulated to the propriety of the Board's jurisdiction; that is, that Preston Berman was found guilty except for insanity of the crimes of Arson I, Burglary II, and Reckless Burning (18 Counts) and was placed under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 20 years by Deschutes County Circuit Court Judge Thomas A. Balmer on December 08, 2010; that Preston Berman is affected by a qualifying mental disorder and that when his illness is active he presents a substantial danger to others.

In her opening statement, AAG Waner urged the Board to accept Mr. Berman's stipulations, noting that jurisdiction is proper and supported by the record. In his opening

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<sup>1</sup> Preston Berman uses they/them pronouns.

1 statement, Attorney Matarazzo indicated that it was his client's desire to remain in the hospital  
2 and therefore was not seeking any release option.

3 The Board, having heard testimony and having received three hundred and sixty-six  
4 exhibits without objection, excluding any designated victim impact statements, and after  
5 considering all the evidence admitted on the record, accepts as FINDINGS OF FACT the  
6 stipulations of the parties as set forth above. In addition, the Board FINDS AS FACT that  
7 Preston Berman could not be adequately controlled and treated in the community at this time.  
8 This finding is based upon the expert testimony of James Peykanu, M.D., at the hearing as well  
9 as the information contained in his Jurisdictional Report of October 4, 2023, found in Exhibit  
10 365. In his testimony, Dr. Peykanu described the next steps toward endorsing Mr. Berman's  
11 conditional release readiness privilege and requesting an evaluation for conditional release:

12 From my standpoint, the next steps would be, through the normal course of risk  
13 review progress, to get them a violence risk assessment and start asking for  
14 conditional release planning and conditional release readiness privileges. I do  
15 think Preston has gained a lot of insight about how to avoid manic episodes in the  
16 future. Preston has an extensive history of severe mood episodes, both manic and  
17 depressed. Typically, Preston stays in the depressed mode more commonly than  
18 manic, but difficulties with behavior have almost exclusively occurred with  
19 regard to manic episodes. The behavioral difficulties associated with depression  
20 are almost always suicide related. I will say that Preston from the risk  
21 standpoint—it's interesting because Preston is almost like a pacifist in a lot of  
22 ways, in terms of their presentation to the world and their philosophy on world  
23 events and how people should relate to each other—Preston has been having a lot  
24 of difficulty around the—Preston understands intellectually, the connection  
25 between risk to others and their illness, in the sense that, inadvertently, harm  
26 could come to others as a result of behavior related to manic episodes, but does  
have a difficult time squaring that with their personal philosophy about how they  
perceive themselves, which I definitely understand. I think that the violence risk  
assessment will be helpful in terms of formulating the best mitigation plans for  
community release, and Preston, hopefully, will be able to get to a point where  
conditional release planning and release to, likely an SRTF given the elopements  
that have occurred in the past, would be achieved, hopefully within the next six  
months to a year is my goal. Although, I know that probably from Preston's  
standpoint that still seems like an interminable amount of time, and at the same  
time, just given the logistics of how the hydraulics of the system have been  
working, it may be optimistic. I'm just hoping that we can achieve something that  
will get Preston to a point where those therapeutic interventions that they're able  
to use daily with regard to internet and media access are a lot more available to

The Board CONCLUDES AS A MATTER OF LAW that:

- IT IS HEREBY ORDERED, pursuant to ORS 161.346(1)(c) that Preston Berman be continued in commitment at a state hospital designated by the Oregon Health Authority for care, custody and treatment.

DATED this 9th day of January, 2024.

*Trish Elmer*  
Psychiatric Security Review Board Member